

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NICKOLA G.,

No. 3:18-cv-01493-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Nickola G. brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income. On November 16, 2019, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 16. Judgment was also entered on November 16, 2019. ECF 17.

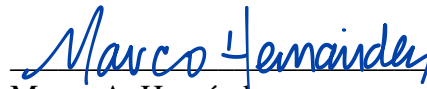
The Parties have stipulated to an award of fees pursuant to 42 U.S.C. § 406(b). Stipulated Mot., ECF 25. The Court has reviewed the record in the case, the motion, Plaintiff's first Motion for Attorney Fees, ECF 21, and the supporting materials including the award of benefits, the fee

agreement with counsel, and the recitation of counsel's hours. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [25] and awards Plaintiff's counsel \$9,453.03 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$2,663.51 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. However, the EAJA fee award was garnished to pay Plaintiff's federal debt. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send Plaintiff's attorney the balance of \$9,453.03 less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to Plaintiff. Plaintiff's first Motion for Attorney Fees *under 42 U.S.C. 406(b)* [21] is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: March 23, 2021



Marco A. Hernández
United States District Judge